

REMARKS

This application was originally filed on 7 August 2001 with thirty six claims, six of which were written in independent form. Claims 14-26 have been allowed. Claims 1, 3, 4, 6-9, 14-16, 19-22, 24, 25, 27-29, and 33-36 have been amended in a non-narrowing manner to broaden the claims and to clarify what is being claimed.

Claims 1-6 and 14-36 were objected to for reciting MEMS, DMDs, MEMS device, and DMD. The claims have been amended to overcome this objection.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,311,360 to Bloom *et al.* ("Bloom"). The applicant respectfully disagrees.

MPEP § 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference."

Verdegal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053, (Fed. Cir. 1987). . . . "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1 recites, "a micromechanical grating having a two dimensional array of deflectable elements, each element operable to tilt about an axis to a tilt angle and spaced apart from adjacent elements by a grating pitch." Bloom does not show, teach, or suggest this feature. Bloom, in Figure 7 and 8, teaches a linear array of tilting elements. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

Claims 2-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bloom. The applicant respectfully disagrees. Claims 2-6 depend from Claim 1 and should be deemed allowable for that reason and on their own merits. For the reasons argued above with respect to Claim 1, Bloom does not show, teach, or suggest the limitations of Claim 1, much less the limitations of Claim 1 in combination with the additional limitations of Claims 2-6. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

Claim 7 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bloom. The applicant respectfully disagrees.

Claim 7 recites, "a two-dimensional array of deflectable mirrors, said array having a pitch distance (d) between adjacent mirrors." Bloom does not show, teach, or suggest this feature. Bloom, in Figure 7 and 8, teaches a linear array of tilting elements. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

Claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bloom. The applicant respectfully disagrees. Claim 8 depends from Claim 7 and should be deemed allowable for that reason and on its own merits. For the reasons argued above with respect to Claim 7, Bloom does not show, teach, or suggest the limitations of Claim 7, much less the limitations of Claim 7 in combination with the additional limitations of Claim 8. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,434,291 to Kessler *et al.* ("Kessler") in view of Bloom. The applicant respectfully disagrees.

The Examiner stated, "Kessler does not teach a two-dimensional array of deflectable mirrors, said array having a pitch distance between adjacent mirrors, a deflectable member supporting each said mirror, said deflectable member establishing a tilt angle for each its corresponding mirror; and wherein said micromirror device is blazed for near monochromatic spatially coherent light having a wavelength in the range of 1480-1580 nm or wherein the DMD is fabricated with pixel pitch and tilt angle optimized to meet blazed operational conditions. In regard to claim 9, Bloom *et al* does teach a two-dimensional array of deflectable mirrors (48)."

The applicant respectfully submits Bloom teaches a linear array of tilting elements rather a two-dimensional array as recited by Claim 9. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

Claims 10-13 were rejected under 35 U.S.C. § 103(a) as being anticipated by Kessler in view of Bloom. The applicant respectfully disagrees. Claims 10-13 depend from Claim 9 and should be deemed allowable for that reason and on their own merits. For the reasons argued above with respect to Claim 9, Kessler in view of Bloom does not show, teach, or suggest the

limitations of Claim 9, much less the limitations of Claim 9 in combination with the additional limitations of Claims 10-13. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kessler view of Bloom. The applicant respectfully disagrees.

The Examiner stated, "Kessler does not teach a two-dimensional array of deflectable mirrors, said array having a pitch distance between adjacent mirrors, a deflectable member supporting each said mirror, said deflectable member establishing a tilt angle for each its corresponding mirror; and wherein said micromirror device is blazed for near monochromatic spatially coherent light having a wavelength in the range of 1480-1580 nm or wherein the DMD is fabricated with pixel pitch and tilt angle optimized to meet blazed operational conditions. In regard to claim 9, Bloom et al does teach a two-dimensional array of deflectable mirrors (48)."

The applicant respectfully submits Bloom teaches a linear array of tilting elements rather a two-dimensional array as recited by Claim 27. The Examiner's rejection therefore, is unsupported by the prior art and should be withdrawn.

In view of the amendments and the remarks presented herewith, it is believed that the claims currently in the application accord with the requirements of 35 U.S.C. § 112 and are allowable over the prior art of record. Therefore, it is urged that the pending claims are in condition for allowance. Reconsideration of the present application is respectfully requested.

Respectfully submitted,



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